

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 09-20070
)
MARVIN SMITH,)
)
Defendant.)

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is Defendant Marvin Smith's ("Smith") Motion to Suppress filed on November 17, 2009 (see Mot. to Suppress Evidence and Mem. in Supp. of Mot. to Suppress, ECF No. 50) and the Report and Recommendation of Magistrate Judge Tu M. Pham (Report and Recommendation on Def.'s Mot. to Suppress, ECF No. 79). The Magistrate Judge recommends that the Court deny Smith's Motion to Suppress. (Report and Recommendation on Def.'s Mot. to Suppress, ECF No. 50.) ("Report")

"A district judge must determine de novo any part of a magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). However, the district court need not review-under a de novo or any other standard-those aspects of the report and recommendation to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985).

The court should adopt the findings and rulings of the magistrate judge to which no specific objection is filed. Id. at 151.

Because the Magistrate Judge issued the Report on November 19, 2010, Smith was required to file any objections to the Report by December 3, 2010. (Report 15); see 28 U.S.C. § 636(b)(1)(c) (stating that a party must file any objections to a magistrate judge's report within fourteen days of service). No objections have been filed, and the time for doing so has expired. Therefore, the Court will adopt the findings and conclusions of the Magistrate Judge's Report. See Thomas, 474 U.S. at 151; see also United States v. Buckhanon, No. 09-20060-JPM-dkv, 2010 WL 2775858, at *1 (W.D. Tenn. July 14, 2010) (adopting a magistrate judge's report on a motion to suppress in its entirety where a defendant failed to file timely objections).

For the foregoing reasons, the Court ADOPTS the Report and Recommendation of the Magistrate Judge and DENIES the Motion to Suppress.

So ordered this 4th day of January, 2011.

s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE